

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JIMMY LYONS, *et al.*,

Plaintiffs,

v.

LITTON LOAN SERVICING LP, *et al.*,

Defendants.

Civil Action No. 1:13-cv-00513-ALC-HBP

Judge Andrew L. Carter, Jr.

Magistrate Judge Henry Pitman

**JOINT MOTION TO STAY**  
**OF PLAINTIFFS JIMMY LYONS, JACQUELINE LYONS, AND SHEILA HEARD**  
**AND DEFENDANTS AMERICAN MODERN INSURANCE GROUP, INC. AND**  
**AMERICAN MODERN HOME INSURANCE COMPANY**

Plaintiffs Jimmy Lyons, Jacqueline Lyons, and Sheila Heard (the “American Modern Plaintiffs”) and Defendants American Modern Insurance Group, Inc. and American Modern Home Insurance Company (the “American Modern Defendants”) have reached a class action settlement-in-principle of all claims against the American Modern Defendants. To finalize their settlement, and to save the Court’s and the parties’ time and resources, the American Modern Plaintiffs and the American Modern Defendants move for a 60-day stay of all claims against the American Modern Defendants.

“‘[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.’” *Louis Vuitton Malletier S.A. v. LY USA, Inc.*, 676 F.3d 83, 96 (2d Cir. 2012) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). The Court should exercise that power here, as a 60-day stay would allow the American Modern Plaintiffs and the American Modern Defendants to execute a complete settlement agreement and to file a motion for preliminary approval of class settlement. The pending settlement would eliminate the need for

the Court to resolve the American Modern Defendants' pending motion to dismiss (ECF No. 157) and any future dispositive or class-certification motions involving the American Modern Defendants. It also would ensure that the parties do not engage in unnecessary, costly discovery. For these reasons, the American Modern Plaintiffs and the American Modern Defendants respectfully request that the Court grant this motion and stay all claims, deadlines, and briefing schedules as to the American Modern Defendants for 60 days.

Respectfully submitted October 13th, 2015.

/s/ Peter A. Muhic

Barbara J. Hart (BH-3231)  
David Harrison (DH-3834)  
LOWEY DANNENBERG  
COHEN & HART, P.C.  
One North Broadway, Suite 509  
White Plains, NY 10601  
T 914.997.0500  
F 914.997.0035

Edward W. Ciolko (*pro hac vice*)  
Peter A. Muhic (*pro hac vice*)  
Tyler S. Graden (*pro hac vice*)  
KESSLER TOPAZ  
MELTZER & CHECK, LLP  
280 King of Prussia Road  
Radnor, PA 19087  
T 610.667.7706  
F 610.667.7056

Shanon J. Carson (*pro hac vice*)  
scarson@bm.net  
Patrick Madden (*pro hac vice*)  
pmadden@bm.net  
BERGER & MONTAGUE, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
T 215.875.4656  
F 215.875.4604

/s/ Rodger L. Eckelberry

Mark A. Johnson (*pro hac vice*)  
mjohnson@bakerlaw.com  
Rodger L. Eckelberry (*pro hac vice*)  
reckelberry@bakerlaw.com  
Joseph E. Ezzie (*pro hac vice*)  
jezzie@bakerlaw.com  
Robert J. Tucker (*pro hac vice*)  
rtucker@bakerlaw.com  
BAKER HOSTETLER LLP  
65 East State Street, Suite 2100  
Columbus, OH 43215  
T 614.228.1541  
F 614.462.2616

Lauren J. Resnick  
lresnick@bakerlaw.com  
BAKER HOSTETLER LLP  
45 Rockefeller Plaza  
New York, NY 10111  
T 212.589.4200  
F 212.589.4201

*Attorneys for Defendants  
American Modern Insurance Group, Inc.  
and American Modern Home Insurance  
Company*

Brett Cebulash  
bcebulash@tcllaw.com  
Kevin S. Landau  
klandau@tcllaw.com  
TAUS, CEBULASH & LANDAU, LLP  
80 Maiden Lane, Suite 1204  
New York, NY 10038  
T 212.931.0704  
F 212.931.0703

Jeffery J. Angelovich  
Michael B. Angelovich  
Brad Seidel  
Christopher R. Johnson  
NIX PATTERSON & ROACH, LLP  
205 Linda Drive  
Daingerfield, TX 75638  
T 903.645.7333  
F 903.645.4415

*Attorneys for Plaintiffs  
Jimmy Lyons, Jacqueline Lyons, and  
Sheila Heard*

**CERTIFICATE OF SERVICE**

On October 13<sup>th</sup>, 2015, I electronically filed the foregoing with the Clerk of the United States District Court for the Southern District of New York through the CM / ECF system, thereby automatically serving all registered parties.

/s/ Rodger L. Eckelberry  
Rodger L. Eckelberry